

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SERGEI POTAPENKO and
IVAN TURÕGIN,

Defendants.

NO. CR22-185 RSL

PROTECTIVE ORDER

On the agreed motion of all parties, the Court hereby enters the following Protective Order:

1. **Background:** Pursuant to Federal Rule of Criminal Procedure 16(d)(1), this Protective Order governs all discovery material in any format (written or electronic) that is produced by the government in discovery in this matter.

2. Discovery in this case is voluminous and contains documents and other material that includes personally identifiable information (PII) and law enforcement sensitive (LES) material.

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a. PII includes debit card and credit card account numbers, financial lines of credit numbers, bank account numbers, personal identification numbers, Social Security numbers, driver's license numbers, dates of birth, addresses, mothers' maiden names, passwords, and other personal information normally kept private by individuals.

b. LES includes communications, reports, and other materials that relate to ongoing investigations or matters occurring before the grand jury, statements given by any cooperating witnesses, and documents evincing any agreement to cooperate by any such witness.

3. It would be impractical to redact the discovery to remove all PII or LES material. Further, redacting the material would unnecessarily delay the disclosure of discovery to the defendants and would frustrate the intent of the discovery process.

4. ***Restrictions on Use of All Material:*** Access to all discovery material will be restricted to the Defense Team, with the limited exceptions discussed below. "Defense Team" shall be limited to: (i) attorneys of record for the defendants in this case; (ii) any of the following people working on this matter under the supervision of the attorneys of record: attorneys, investigators, paralegals, law clerks, testifying and consulting experts, legal assistants, administrative staff; and (iii) Estonia-based attorneys representing the defendants in connection with this matter. For purposes of this Order, "Defense Team" does not include the defendants or any official, employee, or agent of any foreign government. Defendants' attorneys of record in this matter shall inform any member of the Defense Team to whom disclosure of discovery material is made of the existence and terms of this Protective Order. In addition, the defendants' attorneys of record in this matter are required to provide a copy of this Protective Order to Estonia-based attorneys and to obtain written consent from Estonia-based attorneys acknowledging that they are bound by the terms and conditions of this Protective Order and subject to this Court's jurisdiction to enforce the Protective Order as provided in Attachment A to this Protective Order, prior to providing any Protected

1 Material to Estonia-based attorneys for any individual defendant. The signed Attachment A
2 does not need to be filed with the Court but must be provided to attorneys for the
3 government. Members of the Defense Team shall not provide copies of any discovery
4 material to any persons outside of the Defense Team, except as specifically set forth below.

5 5. Members of the Defense Team shall retain custody of all copies of the
6 discovery material, except as discussed below in paragraph 6. Members of the Defense Team
7 shall use discovery material only for the purpose of preparing a defense to the charges in this
8 action. Members of the Defense Team may review the discovery material with defendants
9 and witnesses for purposes of hearing or trial preparation in this matter, provided that
10 witnesses may review the material only in the presence a member of the Defense Team and
11 may not take notes regarding any PII or LES content within the discovery material.

12 6. Defense counsel may provide discovery to defendants, subject to the following
13 conditions:

- 14 a. Defendants shall use discovery material only for the purpose of assisting
15 the Defense Team with preparing a defense to the charges in this action;
16 b. Defendants may not provide copies of the discovery material to any
17 third parties and may only review the discovery material either alone or
18 in the presence of the Defense Team; and
19 c. If the defendants are detained, then the defendants shall only be
20 permitted to review their copy of the discovery material in facilities
21 approved by the Bureau of Prisons for this purpose, on Bureau of
22 Prisons-approved computers, or in hard copies maintained by Bureau of
23 Prisons staff while not in use by the defendants.

24 7. If the Defense Team files with the Court any discovery material containing PII
25 or LES in connection with pre-trial motions, trial, or other matters before the Court, and
26 matter shall be filed under seal and shall remain sealed until otherwise ordered by the Court,
27 unless otherwise agreed upon by the parties.

1 8. ***Highly Sensitive Material:*** If the government determines providing any
2 specific material to the defendants would raise serious security, operational, privacy, or other
3 concerns, even in light of the other provisions of this Protective Order, the government may
4 designate that material as “Highly Sensitive Material.” Highly Sensitive Material will be
5 subject to the terms of this Protective Order, with the additional requirement that Highly
6 Sensitive Material may not be provided to the defendants without further order of the Court
7 or the consent of the counsel for the government.

8 9. ***Defendants’ Consent to Release Seized Information:*** Each of the defendants
9 understands that the government intends to provide all discovery in this matter to both
10 defendants. This includes complete images of materials obtained by search warrants,
11 including devices and remote storage accounts belonging to each individual defendant. Each
12 defendant has consented to these materials being provided to his respective co-defendant.

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1 10. **Modification:** This Protective Order may be modified, as necessary, by filing
2 with the Court a Stipulated Order Modifying the Protective Order or by order of the Court.

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4 SO ORDERED.

5 Dated: June 14, 2024

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8 ROBERT S. LASNIK
9 United States District Judge

10 Presented by:

11
12 /s/Seth Wilkinson
13 SETH WILKINSON
14 SOK TEA JIANG
15 Assistant United States Attorneys

16 /s/Adrienne E. Rosen
17 ADRIENNE E. ROSEN
18 DAVID GINENSKY
19 Trial Attorneys

20 /s/Mark Bini
21 MARK BINI
22 Counsel for Sergei Potapenko

23 /s/ Andrey Spektor
24 ANDREY SPEKTOR
25 Counsel for Ivan Turõgin

Attachment A

**Agreement to Be Bound by the Protective Order and Consent to
the U.S. Court's Jurisdiction to Enforce the Protective Order**

I, _____, am an attorney based in Estonia and represent the
defendant, _____. I acknowledge that I have read the Protective
Order entered in *United States v. Sergei Potapenko & Ivan Turõgin*, CR22-185 RSL,
pending in the Western District of Washington. I agree to be bound by the terms of the
Protective Order and to be subject to the United States court's enforcement of the Protective
Order.

Dated: _____

Signature: _____